



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/595,781

04/20/2007

Heino Hameleers

P17248-US1

6589

27045 7590
ERICSSON INC.
6300 LEGACY DRIVE
M/S EVR 1-C-11
PLANO, TX 75024

12/03/2008

EXAMINER

BEHARRY, NOEL R

ART UNIT

PAPER NUMBER

2446

MAIL DATE

DELIVERY MODE

12/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,781	Applicant(s) HAMELEERS ET AL.	
	Examiner NOEL BEHARRY	Art Unit 2446	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19,21-23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19,21-23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicant's response filed under 37 C.F.R. §1.111 in response to a non-final office action. Claims 19, 21-23, 25, and 26 has been amended and claims 20 and 24 has been canceled. Claims 19, 21-23, 25-26 are subject to examination.

Response to Arguments

2. Regarding the IDS filed 05/11/2006; the patent/document number listed for the US reference Melaku et al. is incorrect and has not been considered by examiner. Applicant remarks, "An IDS has been resubmitted herewith to correct the error", however, no replacement IDS have been received as stated. Previous objection to IDS still applies.

3. Acknowledgment is made to applicant's amendment to the abstract of the disclosure to obviate previous objection to the specification. Previously raised objection to the specification is hereby withdrawn.

4. Acknowledgment is made to applicant's amendment to claims 20-22 and 24-26 to obviate previous objection to the claims. Previously raised objection to the claims are hereby withdrawn.

5. Applicant's arguments with respect to claims 19 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 19 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Choe et al. (Choe hereafter) (US 2004/0114732 A1).

Regarding claim 19,

a method for providing multimedia information (personalized ring back tone, Par. 0028 & 0035) associated with the called party terminal (called party) to the calling party terminal (calling party), the method, performed by a core network node (Internet Data Center (IDC), comprising the steps of: (Par. 0028)

retrieving subscriber data of the called party (Par. 0028 & 202-203 of Fig .2), wherein the subscriber data comprises a demand for presenting the multimedia

Art Unit: 2446

information (system determines whether the called party is a service subscriber); (Par. 0028)

receiving in the core network node a call set up message comprising an identification of the called (if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029)

recognizing according to the subscriber data and the received identification of the called party the demand for providing the multimedia information (if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029) and

providing the multimedia information associated with the called party to the calling party terminal (the IDC delivers the called party's personalized ring back message to the calling party's switch 208, so that the calling party hears the ring back message 209). (Par. 0029)

Regarding claim 21,

wherein the subscriber data is related to an IN subscription of the called party (intelligent network). (Par. 0030)

Regarding claim 23,

Art Unit: 2446

a core network node (CNN) (Internet Data Center (IDC) for providing multimedia information (personalized ring back tone) associated with the called party terminal (called party) to the calling party terminal (calling party), the core network node (CNN) comprising: (Par. 0028)

means for (the PRBT system accesses to the Internet Data Center, Par. 0028) providing access to subscriber data of the called party (Par. 0028 & 202-203 of Fig .2), the subscriber data comprising an indication for a demand for presenting the multimedia information(system determines whether the called party is a service subscriber), (Par. 0028)

an interface for sending messages (MCP), (Par. 0024 & Par. 0029)

an interface for receiving messages (MCP), (Par. 0024 & Par. 0029) and

a processing system for processing said messages (PRBT system), the processing system being adapted to: (Par. 0028)

process a received call set up message comprising an identification of the called (if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029)

recognize according to received identification of the called the demand for providing the multimedia information (if the called party is a subscriber, the PRBT system accesses to the Internet Data Center (IDC) located at the message settings based on the subscriber's account information stored in the MCP server), (Par. 0029) and

Art Unit: 2446

provide the multimedia information associated with the called party to the calling party terminal (the IDC delivers the called party's personalized ring back message to the calling party's switch 208, so that the calling party hears the ring back message 209). (Par. 0029)

Regarding claim 25,

wherein the subscriber data is related to an IN subscription of the called party (intelligent network). (Par. 0030)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Choe in view of Nguyen et al. (US 2004/0120477 A1).

Regarding claim 22, Choe teaches,

wherein the call set up message is appropriate for setting up a circuit switched call (Par. 0028)

Choe fails to teach, the multimedia information is provided using a packet switched connection.

However, Nguyen teaches, the multimedia information (communication requests) is provided using a packet switched connection (STP 108 in Fig. 1). (Par. 0022)

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Choe to include a packet switched connection as taught by Nguyen in order to route communication requests between the various elements (Nguyen; Par. 0022).

Regarding claim 26, Choe teaches,

wherein the call set up message is appropriate for setting up a circuit switched call (Par. 0028)

Choe fails to teach, the processing system is adapted to providing multimedia information using a packet switched connection.

However, Nguyen teaches, the processing system is adapted to providing multimedia information (communication requests) using a packet switched connection (STP 108 in Fig. 1). (Par. 0022)

It would have been obvious to one of ordinary skill in the art at the time of the invention to create the invention of Choe to include a packet switched connection as taught by Nguyen in order to route communication requests between the various elements (Nguyen; Par. 0022).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2446

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Examiner's Note: Examiner has pointed out particular reference contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Art Unit: 2446

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NOEL BEHARRY whose telephone number is (571)270-5630. The examiner can normally be reached on M-T 10-2.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. B./

Examiner, Art Unit 2446